

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SAMUEL GREGORY,
Petitioner,
v.
PAT GLEBE,
Responder

CASE NO. C09-5346RJB

ORDER

The Court, having reviewed the petition, the Report and Recommendation of the Hon. J. Richard Creatura, United States Magistrate Judge (Dkt. 17), objections to the Report and Recommendation (Dkt. 18), and the remaining record, does hereby find and Order:

(1) Petitioner's objections (Dkt. 18) are **OVERRULED**. Petitioner had sufficient opportunity to file substantive objections to the Report and Recommendation; he failed to show that the petitioner for writ of habeas corpus should not be dismissed as time barred.

The court concurs with the reasoning and conclusion of the Report and Recommendation.

Accordingly, the court **ADOPTS** the Report and Recommendation (Dkt. 17);

(2) Respondent's motion to dismiss (Dkt. 9) is **GRANTED**;

- (3) The petition for writ of habeas corpus is **DISMISSED**; and
- (4) The Clerk is directed to send copies of this Order to petitioner and to counsel for respondent.

DATED this 7th day of June, 2010.

Robert J. Bryan

ROBERT J. BRYAN
United States District Judge